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FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4381
INFO RUEHNH/AMCONSUL NAHA IMMEDIATE 0071
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE

C O N F I D E N T I A L MANILA 005083

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E.O. 12958: DECL: 12/22/2016

TAGS: PREL MARR CASC RP

SUBJECT: MARINE CASE: NEW MOTION TO APPEALS COURT

REF: MANILA 5071 AND PREVIOUS

Classified By: A/DCM Scott Bellard, reasons 1.4 (b) and (d)

¶1. (U) On December 22, the Philippine Solicitor General filed a new "Very Urgent Supplemental Manifestation and Motion," on behalf of the Philippine Department of Foreign Affairs, to the Court of Appeals. The motion noted that the U.S. Ambassador and the Foreign Secretary had formally agreed on where Lance Corporal Daniel Smith would be detained upon transfer from the Makati City Jail to U.S. military authorities at the U.S. Embassy, and "respectfully and urgently" reiterated its "prayer" for LCpl. Smith to be "forthwith turned over to the United States Embassy."

¶2. (U) At COB, the Appeals Court "noted" the motion and then adjourned without decision. It will resume sessions on December 27. (December 25 and 26 are both official Philippine holidays.)

¶3. (C) The Solicitor General's motion followed numerous discussions between Ambassador and Executive Secretary Ermita, as well as between senior Embassy staff members and officials of the Philippine Departments of Foreign Affairs and Interior and Local Government and the Solicitor General's office.

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